

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

JAMES T. STILE,

Plaintiff,

v.

UNITED STATES OF AMERICA, et
al.,

Defendants.

Civ. No. 17-2693 (RMB)

MEMORANDUM AND ORDER

This matter comes before the Court upon the Federal Defendants' letter request (Letter, ECF No. 20) for the Court to issue an order so that service of process may be effected on the Attorney General and the U.S. Attorney's Office for the District of New Jersey, as required under Federal Rule of Civil Procedure 4(i)(1) and 4(i)(3); and that defendants shall have sixty days from the date of completed service on the United States Attorney's Office to answer or otherwise respond to the complaint, pursuant to Federal Rule of Civil Procedure 12(a)(2).

Upon screening Plaintiff's prisoner civil rights complaint in this matter, the Court granted Plaintiff's IFP application, entitling him to service of the summons and complaint by the United States Marshals Service ("USMS"). (Opinion and Order, ECF Nos. 4 and 5.) This Court permitted claims to proceed against federal employees Jordan Hollingsworth, former warden of the Federal

Correctional Institution-Fort Dix ("FCI-Fort Dix"); and David Ortiz, present warden of FCI-Fort Dix, in their individual capacities under a Bivens theory of liability. (Opinion, ECF No. 4.)

Federal Rules of Civil Procedure 4(e), and (i) require service against a federal employee in his individual capacity be made on each of the following: (1) the individual employee; (2) the United States Attorney General (by registered or certified mail); and (3) the U.S. Attorney's Office for the District of New Jersey (by registered or certified mail). The Federal Defendants represent that the United States has not been served as required under Rule 4(i)(1) in this matter; and the USMS has represented that it will not serve the U.S. Attorney's Office or the Attorney General until it receives Forms USM-285 from Plaintiff with the proper addresses for service. (Letter, ECF No. 20.) For good cause shown:

IT IS therefore on this 2nd day of May 2018,

ORDERED that the Clerk shall mail to Plaintiff a transmittal letter, together with two blank USM-285 forms, explaining the procedure for completing the forms; and it is further

ORDERED that Plaintiff shall have thirty days from the date of this Order to return the USM-285 forms to the USMS, addressed as follows:

Jeff Sessions
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

and

Civil Process Clerk
United States Attorney's Office
District of New Jersey
970 Broad Street, 7th Floor
Newark, New Jersey 07102

and it is further

ORDERED that, once the USMS receives the USM-285 Form(s) from Plaintiff and the USMS so alerts the Clerk, the Clerk shall issue summons in connection with each USM-285 Form that has been submitted by Plaintiff, and the USMS shall serve summons, the Complaint and this Order to the address specified on each USM-285 Form, with all costs of service advanced by the United States; the time limit for service pursuant to Fed. R. Civ. P. 4(m) is extended to sixty days from the date of this Order; and it is further

ORDERED that Defendant(s) shall file and serve a responsive pleading within the time specified by Federal Rule of Civil Procedure 12; and it is further

ORDERED that the Clerk of the Court shall send a copy of this Order and the accompanying Opinion to Plaintiff by regular U.S. mail.

s/Renée Marie Bumb _____
RENÉE MARIE BUMB
United States District Judge